



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

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VIRGIL C. SMITH
CHIEF JUDGE

July 1, 2010

Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

Re: Proposed Administrative Order No. 2010-X

Dear Supreme Court Clerk,

Please see the accompanying comments regarding Proposed Administrative Order No. 2010-X, Case Flow Management Guidelines, and ADM File No 2005-32 submitted by executive staff of the Third Circuit Court.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Elizabeth R. Kocab".

Elizabeth R. Kocab

Comment # 1

District Court Guidelines

The impact of the changes to the Circuit Court for preliminary examinations is:

The reduction of the percentage of cases (80%) in which a preliminary examination must begin will increase the length of stay in the jail and add to jail overcrowding. The extension to 28 days in which the preliminary examination must be concluded will increase costs to attorney fees as it relates to the Circuit Court as the preliminary examination may be scheduled over a period of days instead of completed in one day, as well as witness fees for the County and additional time for officers to be in court instead of out in their respective communities.

Circuit Court Guidelines

The impact of the changes to the Circuit Court for Criminal Proceedings is:

The extension of the time to 154 days without specifying a difference between non-capital felonies and capital felonies will result in a delay in scheduling for all cases although it has already been proven that most non-capital felonies can be adjudicated within 91 days of the bind-over. This extension will also increase the length of stay in the jail and add to jail overcrowding and ultimately earlier releases by the Wayne County Sheriff's Department. This will result in more failure to appear warrants and reappointment of counsel after a subsequent arrest (which will add to expenses for the Court and law enforcement. The extension of time should only apply to capital cases and should be only an additional 31 days (122 days) instead of 154 days. This change or extension of the time should only be made as a result of the DPD lab closure which is causing a backlog for MSP and the other Courts in Michigan for processing DNA, weapons analysis, and other lab results, as well the loss of resources in the Prosecutor's Office and State Attorney General's Office.

The Supreme Court should consider extending the guidelines for Child Protective Proceedings due to the transient nature of the population and the inability to identify, serve, and notice parents (usually fathers) before an adjudication can be made. It is extremely difficult to resolve these types of proceedings within 84 or 98 days.

The overall impact to Third Circuit Court will result in programming changes and revisions to Pending Caseload Reports for the various divisions and to 3 different Case Management Systems.

Comment #2

The time frames for Paternity and Responding Interstate actions should be increased.

Currently, in Paternity and Responding Interstate cases, 90% of all cases should be adjudicated within 147 days from the date of case filing and 100% within 238 days.

Since these cases often involve genetic testing, alternate service, and long arm jurisdictional issues, they can be lengthy as divorce matters.

The Paternity and Responding Interstate should have 90% of all cases adjudicated within 182 days of case filing; and 100% within 364 days.

It is noted that Federal IVD regulations have different time standard used for the child support program funding but the promulgated SCAO standards should be reflective of what is required in divorce cases with minor children.

RE: ADM File No 2005-32

I support the changes, but would like a provision that ensures that if parties are filing a form motion that the parties have included statements and allegations in their pleading and not submitted a blank form. We receive form motions that have the captions and signatures and nothing else.

Comment #3

There is no expansion of the guideline for out of home juvenile delinquency and, more importantly, child protection cases; they merely removed the midpoint guideline. With all the work that needs to be done on these cases (establishing paternity, finding parents, service issues, etc.), 98 days for completion of 100% of these case types is very difficult to obtain. It should be re-visited to determine whether the guideline should be increased.